

Message Text

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43

ACTION SS-25

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FM USMISSION IAEA VIENNA

TO SECSTATE WASHDC 5992

INFO AMCONSUL HONG KONG

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AMEMBASSY PARIS

USLO PEKING

AMEMBASSY SEOUL

AMEMBASSY TOKYO

AMEMBASSY TAIPEI

C O N F I D E N T I A L IAEA VIENNA 5216

EXDIS

MILITARY ADDEE HANDLE AS SPECAT EXCLUSIVE

DEPT PASS INFO CINCPAC FOR POLAD

REF: STATE 138301

1. REFERENCE IN PARA 3 REFTEL TO "RESUBMISSION" OF SUBJECT AGREEMENT TO IAEA BOARD OF GOVERNORS IS INACCURATE. CHENG HAS IN MIND AGREEMENT PURSUANT NPT ARTICLE III.1 FOR APPLICATION OF IAEA SAFEGUARDS TO ALL NUCLEAR MATERIAL IN ALL PEACEFUL NUCLEAR ACTIVITIES WITHIN TERRITORY OF NNWS PARTY TO NPT, UNDER ITS JURISDICTION OR CARRIED OUT UNDER ITS CONTROL ANYWHERE. STRUCTURE AND CONTENT SUCH AGREEMENTS WITH NNWS'S PARTY TO NPT ARE SET FORTH IN IAEA DOCUMENT INFCIRC/153. DRAFT OF SUCH AN AGREEMENT WAS NEGOTIATED BY ROC AMBASSADOR WITH IAEA OFFICIALS UNDER VERY DISCREET CONDITIONS AT ABOUT TIME ROC WAS VOTED OUT OF IAEA IN LATE 1971. DRAFT AGREEMENT, HOWEVER, WAS NEVER SUBMITTED TO IAEA BOARD FOR APPROVAL, AS REQUIRED BY IAEA STATUTE, FOR REASON SET FORTH PARA 5
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REFTEL.

2. PRESENT SAFEGUARDS ARRANGEMENTS INCLUDE US-ROC-IAEA TRILATERAL (INFCIRC/158) WHICH COVERS ALL NUCLEAR MATERIALS, EQUIPMENT OR FACILITIES SUPPLIED BY US AND NUCLEAR MATERIAL USED, PROCESSED OR PRODUCED IN US-SUPPLIED EQUIPMENT OR FACILITIES. TERM OF AGREEMENT IS COTERMINOUS WITH US-ROC BILATERAL AGREEMENT FOR COOPERATION WHICH RUNS TO APRIL 4, 2002 RPT 2002. ANY PARTY TO TRILATERAL, HOWEVER, MAY TERMINATE UPON SIX MONTHS NOTICE OR AS MAY OTHERWISE BE AGREED. AGREEMENT MAY ALSO BE PROLONGED FOR FURTHER PERIODS AS MAY BE AGREED BY PARTIES.

3. ONLY OTHER ROC-IAEA SAFEGUARDS AGREEMENT IS THAT COVERING ONLY CANADIAN-SUPPLIED TAIWAN RESEARCH REACTOR FACILITY (INFCIRC/133), WHICH WILL REMAIN IN FORCE UNTIL SAFEGUARDS ON FACILITY, SUPPLIED MATERIAL, AND NUCLEAR MATERIAL USED, PROCESSED OR PRODUCED IN FACILITY ARE TERMINATED IN ACCORDANCE WITH IAEA PROCEDURES.

4. WHAT CHENG MEANS IS THAT NEITHER EXISTING AGREEMENT CAN BE USED BY ROC TO SATISFY REQUIREMENTS BY SUPPLIERS (OTHER THAN US) OF ADDITIONAL FACILITIES, EQUIPMENT OR NUCLEAR MATERIAL WHICH REQUIRE IAEA SAFEGUARDS AS CONDITION OF SUPPLY. THUS, UNLESS ADDITIONAL AGREEMENT, SUCH AS ONE BASED UPON INFCIRC/153 BROUGHT INTO FORCE, ROC IS LIKELY TO BE LIMITED TO US AS SOLE SUPPLIER, AT LEAST AMONG NPT PARTIES.

5. ON OTHER HAND, ROC AGREEMENT OF INFCIRC/153 TYPE WOULD COVER NUCLEAR MATERIAL PRODUCED OR PROCESSED IN INDIGENOUS FACILITIES, AS WELL AS SUPPLIED MATERIAL, ETC.

6. MISSION MIGHT MAKE CAUTIOUS INQUIRIES RE PRESENT ATTITUDES OF SOME OTHER GOVERNMENTS, PARTICULARLY THOSE EXPECTED TO BE REPRESENTED ON NEW BOARD (WHICH WILL MEET INITIALLY IN LATE SEPTEMBER), IN LIGHT OF EXPRESSIONS AT NPT REVCON RE EXTENDING IAEA SAFEGUARDS TO ALL NUCLEAR MATERIAL IN ALL NUCLEAR ACTIVITIES IN NNWS'S. WE ARE NOT RPT NOT SANGUINE AT OUTCOME SUCH INQUIRIES, HOWEVER. WE WOULD EXPECT THAT DILEMMA POSED TO THOSE CONFIDENTIAL

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GOVERNMENTS WHO DO NOT RECOGNIZE ROC AS LEGITIMATE GOVERNMENT BUT WHICH WOULD LIKE TO SEE COMPREHENSIVE SAFEGUARDS ON TAIWAN WOULD BE RESOLVED IN FAVOR OF NON-RECOGNITION. WE WOULD NOT RECOMMEND BOARD CONSIDERING NEW ROC AGREEMENT UNLESS APPROVAL WAS CERTAIN. AS NOTED PARA 5 REFTEL, REJECTION BY BOARD WOULD QUITE LIKELY BE ACCOMPANIED BY NOTICE OF TERMINATION OF EXISTING AGREEMENTS, FOR NO OTHER REASON THAN PERCEIVED UNFAIR

COMMERCIAL ADVANTAGE TRILATERAL PROVIDES TO US OVER
OTHER SUPPLIERS PARTY TO NPT.

7. EVEN CAUTIOUS INQUIRIES MAY PROVOKE UNWELCOME REACTION
TO FAVORED US POSITION, WITH RESULT THAT SOME MEMBERS
OF BOARD, WHILE WILLING TO DATE TO AVOID TAKING OFFICIAL
NOTICE OF CONTINUING AGREEMENTS, WOULD BE PROMPTED TO
INITIATE TERMINATION. A FACTOR MIGHT BE THE BELIEF
(MISTAKEN, IN OUR OPINION) THAT THE PRC (WITH ITS SUB-
STANTIAL FINANCIAL SHARE) HAS REMAINED OUTSIDE IAEA
MEMBERSHIP BECAUSE OF THE CONTINUING RELATIONSHIP OF IAEA
WITH ROC UNDER EXISTING SAFEGUARDS AGREEMENTS.

8. ON BALANCE, MISSION PROPOSES THAT WE TAKE CAUTIOUS
SOUNDINGS AMONG SELECTED GOVERNMENTS HERE IN ORDER TO
ASSESS PROSPECTS FOR FAVORABLE BOARD ACTION ON NPT SAFE-
GUARDS AGREEMENT FOR ROC.

9. ADVISE.LABOWITZ

NOTE BY OC/T: NOT PASSED CINCPAC.

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